

**ZONING BOARD OF APPEALS**  
Fiscal Year 2005

The Amherst Zoning Board of Appeals (ZBA) processed forty-one (41) applications during FY 05. All but one of the applications were for Special Permits, and many were complex in nature. Thirty-six (36) of the Special Permit requests were granted with conditions, two (2) were denied and two (2) applications were withdrawn without prejudice.

The remaining case was an Appeal of a decision of the Building Commissioner, and was denied.

Thirteen (13) Special Permits were granted to construct or increase, via conversion, the number of dwelling units in town. These permits resulted in a total of seventeen (17) new dwelling units and the addition of one (1) single-occupancy room in a sorority house. Ten of the new dwelling units are located close to the center of town, supporting the Planning Board's objective of increasing density in the center of town, while sparing the outlying regions. A Special Permit for eight (8) townhouses on a flag lot, an unprecedented request, was denied. The other denial was to a fraternity house that continually failed to meet the conditions of previous Special Permits.

Other residential activity included the approval of one new flag lot and renewal for three (3) previously permitted flag lots. Single-family homes are allowed by right on approved flag lots, although none of these have been developed to date.

More applications than usual were filed this fiscal year for restaurants. Eight (8) were granted, with conditions:

- Chez Albert – a new French restaurant on South Pleasant Street
- Hickory Ridge Realty, on Pomeroy Lane in South Amherst – legalizing the restaurant and lounge facilities open to the public and improving the parking lot
- Lone Wolf, on Main St. – expanded to a full-service restaurant, with dinner but no live entertainment
- Cushman Store, in North Amherst – renovated and under new ownership. A café with seasonal outdoor dining is also part of the plan
- Bart's Ice Cream – under new ownership, on North Pleasant Street
- The Mill River Café – a full-service restaurant with seasonal outdoor dining, live entertainment, take-out and delivery service, at the former Daisy's in North Amherst
- Pioneer Valley Pizza – a take-out and delivery restaurant, at Michael's Billiards on Belchertown Road
- Margarita's – a Mexican fast-food restaurant, with beer/wine and seasonal outdoor dining, at the Amherst Cinema Building on Amity Street.

Other Special Permits of general interest included the following:

- Amherst Housing Authority received permission to renovate their offices at the Ann Whalen Apartments.
- The Amerada Hess Corporation assumed ownership of the gasoline filling station at the corner of West Street and Pomeroy Lane and made significant improvements under a Special Permit to the Village Business Center in South Amherst.
- A vintage and used motor vehicle sales business received a permit to locate on Northampton Road at the entrance to Amherst.

- Amherst Cinema LLC received a permit to construct and operate three movie and/or live performance theaters and to add retail and office space in the downtown General Business District.

Zina Tillona was elected as Chair of the ZBA and Tom Simpson as Vice-Chair. Ted Rising was elected as Clerk of the Board. Associate members who were re-appointed to serve in FY 05 were Barbara Ford, Joan Golowich and Susan Pynchon. David Stowell was appointed as an Associate member, but could only serve for one month. The Board remained short one member for the remainder of the year. As a result, three times during the year a quorum could not be reached, and hearings had to be delayed.

Christine Brestrup, Land Use Planner for the Planning Department serves in part as staff support to the Zoning Board of Appeals, and Carolyn Holstein serves as part-time zoning assistant.

#### Zoning Board of Appeals:

<u>Chair</u>	<u>Members</u>	<u>Associate (formerly Alternate) Members</u>
Zina Tillona	Tom Simpson, Vice- Chair Ted Rising, Clerk	Barbara Ford Joan Golowich Susan Pynchon